

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

WAYMOND B. SMITH,

CASE NO. 3:12-cv-274

Petitioner,

Judge Timothy S. Black

Magistrate Judge Michael R. Merz

-vs-

WARDEN, Warren Correctional
Institution,

Respondent.

JUDGMENT IN A CIVIL CASE

☐ **Jury Verdict:** This action came before the Court for a trial by jury. The issues have been tried and the Jury has rendered its verdict.

☒ **Decision by Court:** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered,

IT IS ORDERED AND ADJUDGED that the Report and Recommendations (Doc. 3) of the United States Magistrate Judge is **ADOPTED IN ITS ENTIRETY**; that the Petitioner's Petition is **DISMISSED** with prejudice; that any request for certificate of appealability is **DENIED**; that any appeal would be **CERTIFIED** as objectively frivolous; that any request for leave to appeal *in forma pauperis* would be **DENIED**; and the case is **TERMINATED** from the docket.

Date: November 7, 2012

JOHN P. HEHMAN, CLERK

By: s/ M. Rogers

Deputy Clerk